

HOUSE BILL 262

E1
HB 45/09 – JUD

0lr1085

By: **Delegates Kullen, Barkley, Bartlett, Dumais, Hubbard, Jameson,
Morhaim, Reznik, Rosenberg, and Vallario**
Introduced and read first time: January 25, 2010
Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Tattooing, Branding, and Body Piercing – Parental Consent**

3 FOR the purpose of prohibiting the tattooing, branding, or body piercing of a minor
4 without the prior written informed consent of the minor’s parent or legal
5 guardian; requiring the consent of a parent or legal guardian to be executed in a
6 certain manner; providing that an individual who violates this Act is subject to
7 certain civil penalties under certain circumstances; providing for the
8 construction of certain provisions of this Act; and generally relating to the
9 tattooing, branding, or body piercing of a minor.

10 BY adding to
11 Article – Criminal Law
12 Section 10–112.1
13 Annotated Code of Maryland
14 (2002 Volume and 2009 Supplement)

15 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
16 MARYLAND, That the Laws of Maryland read as follows:

17 **Article – Criminal Law**

18 **10–112.1.**

19 **(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE**
20 **MEANINGS INDICATED.**

21 **(2) “BRAND” MEANS TO MAKE A PERMANENT MARK ON HUMAN**
22 **SKIN OR TISSUE BY BURNING WITH A HOT IRON OR OTHER INSTRUMENT.**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.
[Brackets] indicate matter deleted from existing law.



1 **(3) “PERFORM BODY PIERCING” MEANS TO PERFORATE THE**
2 **SKIN, MUCOUS MEMBRANE, OR HUMAN TISSUE, OTHER THAN THE EAR OF AN**
3 **INDIVIDUAL FOR THE PURPOSE OF INSERTING JEWELRY OR OTHER FORMS OF**
4 **BODY ADORNMENT.**

5 **(4) “TATTOO” MEANS TO MAKE AN INDELIBLE MARK OR DESIGN**
6 **ON THE SKIN OF AN INDIVIDUAL:**

7 **(I) BY THE INSERTION OF A PIGMENT UNDER THE SKIN; OR**

8 **(II) BY THE PRODUCTION OF SCARS OTHER THAN BY**
9 **BRANDING.**

10 **(B) (1) AN INDIVIDUAL MAY NOT TATTOO, BRAND, OR PERFORM BODY**
11 **PIERCING ON A MINOR UNLESS THE INDIVIDUAL OBTAINS, IN ACCORDANCE**
12 **WITH PARAGRAPH (2) OF THIS SUBSECTION, THE PRIOR WRITTEN INFORMED**
13 **CONSENT OF THE MINOR’S PARENT OR LEGAL GUARDIAN.**

14 **(2) FOR PURPOSES OF PARAGRAPH (1) OF THIS SUBSECTION, THE**
15 **WRITTEN INFORMED CONSENT SHALL BE EXECUTED BY THE MINOR’S PARENT**
16 **OR LEGAL GUARDIAN IN THE PRESENCE OF:**

17 **(I) THE INDIVIDUAL INTENDING TO TATTOO, BRAND, OR**
18 **PERFORM BODY PIERCING ON THE MINOR; OR**

19 **(II) AN EMPLOYEE OR AGENT OF THAT INDIVIDUAL.**

20 **(C) AN INDIVIDUAL WHO VIOLATES THIS SECTION IS SUBJECT TO A**
21 **CIVIL PENALTY NOT EXCEEDING:**

22 **(1) FOR A FIRST VIOLATION, \$300;**

23 **(2) FOR A SECOND VIOLATION WITHIN 2 YEARS AFTER THE FIRST**
24 **VIOLATION, \$1,000; AND**

25 **(3) FOR A THIRD OR SUBSEQUENT VIOLATION, \$3,000.**

26 **(D) FOR PURPOSES OF SUBSECTION (C) OF THIS SECTION, EACH**
27 **SEPARATE INCIDENT AT A DIFFERENT TIME AND OCCASION IS A VIOLATION.**

28 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
29 October 1, 2010.